

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PENTALPHA MACAU COMMERCIAL  
OFFSHORE LTD.,

Plaintiff,

v.

DAMODER REDDY,

Defendant.

No. C-03-05914 MMC (EDL)

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR ATTORNEYS' FEES**

The Court's Report and Recommendation on Pentalpha's Motion for Sanctions, filed in this case today (Docket No. 138), is hereby incorporated by reference. For the reasons stated therein, the Court finds that Defendant's failure to supplement his Rule 26(a) disclosures and his failure to obey the June 24, 2005 Order were not substantially justified, and that no other circumstances make an award of expenses to Plaintiff unjust. Based on this reasoning, the Court GRANTS Plaintiff's Motion For Attorneys' Fees in part, and orders Defendant to pay only those fees which Plaintiff incurred in bringing the Motion For Sanctions and the Motion For Attorneys' Fees. See Fed. R. Civ. P. 37(b)(2) & 37(c)(1).

Plaintiff's counsel has submitted declarations showing that he spent 15.5 hours drafting the motions and replying to the Opposition. Both this time and counsel's regular billing rate of \$375 per hour are reasonable. See Stillman Decl. at ¶¶10-12; Reply Declaration of Phillip Stillman at ¶¶4-6.

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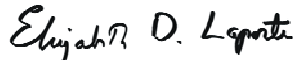
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The Court accordingly orders Defendant to pay \$5,812.50 within thirty days of this Order.

**IT IS SO ORDERED.**

Dated: September 8, 2005

  
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ELIZABETH D. LAPORTE  
United States Magistrate Judge